

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00327-MR-WCM

THOMAS YUCHASZ,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
DEPUY ORTHOPAEDICS, INC.)	
and JOHNSON AND JOHNSON, INC.,)	
)	
Defendants.)	
)	

This matter is before the Court on DePuy Orthopaedics, Inc.’s Motion to Dismiss (the “Motion to Dismiss,” Doc. 12), which was filed on April 22, 2024. Plaintiff filed an Amended Complaint on May 6, 2024. Doc. 17. See also F.R.C.P. 15(a)(1)(B).

“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.” Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and

have been rendered moot by Plaintiffs' filing of the Second Amended Complaint"); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) ("It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot").

IT IS THEREFORE ORDERED that the Motion to Dismiss (Doc. 12) is **DENIED AS MOOT AS A MATTER OF LAW**. This denial is without prejudice to the filing of any motions challenging the Amended Complaint, if appropriate.

Signed: May 7, 2024



W. Carleton Metcalf
United States Magistrate Judge

